Danny Jamison: Comments Related to FCC GN Docket No. 25-133

I, Danny Jamison, amateur radio licensee AH6FX, welcome the opportunity to comment on the Commission's Docket No. 25-133, titled "In Re: Delete, Delete, Delete," which is part of a deregulatory initiative by the Commission. I applaud the Commission seeking public comments on rules and regulations that could be eliminated to reduce unnecessary regulatory burdens. Importantly, I welcome the occasion to discuss the broader regulatory context and legal framework implications; all of which were objects of two Petitions I filled with the Commission in February 2025.

My two Petitions briefly mentioned above and summarized below, support the intent of the Commission's actions as outlined in Public Notice DA 25-219 released March 12, 2025, which drives all respondents to comment. Specifically, my two Petitions (submitted before release of this Public Notice and docket) assist the Commission in carrying out its "correlative duty to evaluate its policies over time to ascertain whether they work—that is, *whether they actually produce the benefits the Commission originally predicted they would*." These two Petitions provide evidence demonstrating "how certain rules have proven not to advance FCC policy objectives in the manner, or to the degree, originally anticipated." Also they demonstrate "… there been *unexpected or anomalous outcomes or variations in the benefits and burdens* of the rule as applied in otherwise similar circumstances. … the rule(s) led to *particular harms* for certain categories of entities such as amateur radio licensees." Finally as mentioned in the Public Notice, the Petitioner observes that a certain "… Commission rule have been *unconstitutional*. We therefore also seek comment on whether constitutional concerns provide a basis for repealing any existing FCC rules or … ."

Both Petitions submitted in February 2025 are still under review by the Commission, and I have not received any communications from the Commission noting any information other than the initial "Filing Details." Therefore, I am attaching those two Petitions as my comment and input for consideration and implementation related to GN Docket No. 25-133. Below is summary data related to these Petitions. Please see the two Petitions submitted in February 2025 for action.

1) **Petition 1**: I submitted "*Petition: Amendment of Part 97 of the Commission's Amateur Radio Service Rules to Overcome Amateur Radio Antenna Restrictions*" and received the ID: 102241812906616 – Proceeding: Inbox-1.1401 -- Type of Filing: Petition for Rulemaking - Date Posted and Date Received: February 24, 2025. Filing Details also included my pdf file - "Jamison Petition2_0 Antenna Restrictions February 19 2025.pdf."

    a) Per the Public Notice and Docket No. 25-133, this Petition (to overcome antenna restrictions) helps the Commission "evaluate its policies (i.e. rules, procedures) over time to ascertain whether they work—that is, whether they actually produce the benefits the Commission originally predicted they would." This Petition demonstrates that are unconstitutional and legally deficient civil contracts inhibiting the amateur service, and do not support § 97.5 Station license required (a) (1), (2), (3) in that a licensee may

transmit … "at a place where the amateur service is regulated by the FCC …" and § 97.5 Station license required, plus allowing antennas per § 97.15 - Station antenna structures. These are not outcomes originally predicted by the Commission.

b) Per the Public Notice and Docket No. 25-133, this Petition (to overcome antenna restrictions) helps the Commission determine "Has the rule proven not to advance FCC policy objectives in the manner, or to the degree, originally anticipated." This Petition demonstrates that because certain civil contracts unconstitutionally usurp Federal law, a large number of amateur radio licensees are unable to exercise their privilege of conducting amateur radio operations.

c) Per the Public Notice and Docket No. 25-133, this Petition (to overcome antenna restrictions) helps the Commission "observe that on occasion provisions of the Communications Act and/or Commission rules have been found to be unconstitutional." This Petition does the opposite. It illustrates how the opposite has happened to various amateur radio licensees. It reestablishes primacy of 47 CFR 97 over homeowner's association rules, contracts, et al, thereby allowing all licensees to exercise all rights granted under Part 97. There is no doubt 47 CFR Part 97 carries the fully force and effect of Federal law, and is superior over HOA CC&R promulgations, taking precedence over lower authority laws and taking precedence over private agreements like CC&Rs and contracts.

d) Please see my Petition and details in the submitted pdf file, "Jamison Petition2_0 Antenna Restrictions February 19 2025.pdf."

e) I incorporate by reference that entire Petition into comments as input related to GN Docket No. 25-133.

f) Very brief Petition summary:

(1) **The Misidentified <u>Complex</u> Problem**: Much litigation has occurred over the last few decades in local, state, and Federal courts involving homeowner-type organization use of covenants, conditions, and restrictions (CC&Rs) to place restrictions on amateur radio use of various antennas and other amateur apparatuses. *These CC&Rs are considered a type of civil contract*. They are part of the legal agreements that govern the use of properties within an HOA or a condominium association, et al and one agrees to abide by these rules which are legally binding and enforceable. Most litigation focused on these civil contractual agreements, ***which are not the problem.***

(2) **The Real Problem:** We see state or local courts ruling on contractual matters, and rightly so. But the actual problem relates to the enforcement of a Federally granted allowance under Part 97, which is a Federal matter and under the purview

of the Commission. The Commission's regulatory rules and regulations are Federal laws which constitute the "supreme Law of the Land," and shall not be usurped by any form of civil contract, i.e. as in neighborhood covenants, conditions, and restrictions.

(a) **The Problem**: Can amateur radio licensees granted privileges by the Commission, a Federal regulatory agency; have some of those privileges usurped or taken away by non-governmental entities such as homeowner's associations. That is not legally sound. The answer is "no" because of the Supremacy Clause of the Constitution.

(b) **Problem Resolution:** The Commission's regulatory rules and regulations are Federal laws which constitute the "supreme Law of the Land," and shall not be usurped by any form of contract, i.e. as in neighborhood covenants, conditions, and restrictions. The Commission's rules represent the full force and effect of Federal law, and are superior neighborhood contracts, taking precedence over lower authority laws and take precedence over private agreements like neighborhood contracts, in this case.

(3) **Major Finding:** It is a fundamental principle of the U.S. legal system that Federal law takes precedence over any conflicting state law, local ordinance, or private agreement. This principle is derived from the Supremacy Clause of the United States Constitution. CC&R contracts and similar instruments violate that principle, and that infraction brings harm to our Nation's legal system.

(4) **Finding**: There is no doubt 47 CFR Part 97 carries the fully force and effect of Federal law, and is superior over HOA CC&R promulgations, taking precedence over lower authority laws and take precedence over private agreements like CC&Rs and contracts, in this case.

(5) This Petition recommends amendments at Sections 97.3 establishing new definitions, and at 97.15 allowing antenna structures, and suggesting to amend 47 USC §151.

(6) I incorporate by reference my Petition found at ID: 102241812906616.

2) **Petition 2**: I submitted "*Petition: Amendment of Part 97 of the Commission's Amateur Radio Service Rules to Permit Issuance of Certain Call Signs without Requiring Resident Mailing Address*" and received the ID: 102202162030016 – Proceeding: Inbox-1.1401 -- Type of Filing: Petition for Rulemaking -- Date Posted and Date Received: February 20, 2025. Filing Details also included my pdf file - "Jamison Petition Part 97 February 5 2025.pdf."

a) Per the Public Notice and Docket No. 25-133, this Petition (create a *Special remote area limited-use call sign system*) helps the Commission "evaluate its policies (i.e. rules, procedures) over time to ascertain whether they work—that is, whether they actually produce the benefits the Commission originally predicted they would." This Petition addresses the *licensee address corresponding to the geographic region of the licensee's mailing address* requirement for special call sign assignment and recognizes the impracticality of establishing residence on uninhabited islands, and the impracticality of the U.S. Postal Service establishing delivery to remote and uninhabited islands. Amending Part 97 thereby enables the assignment of certain call signs for amateur radio activities taking place on remote and uninhabited Pacific and Caribbean islands.

b) This Petition amends Part 97 and relieves the Amateur Radio Service of an outdated restrictive requirement that practically makes impossible the assignment of certain U.S. call signs established perhaps in a mid-20th century version of Part 97. It is impractical and unreasonable to require licensee's to have a mailing address on certain uninhabited U.S. entities when conducting amateur radio operations. This proposed rule change eliminates the requirement for assigning certain call signs based on the geographic region of the licensee's mailing address and operator class. This relates specifically to the set of Amateur Radio Service call signs identified in the Petition.

c) Please see my Petition and details in the submitted pdf file, "Jamison Petition Part 97 February 5 2025.pdf."

d) I incorporate by reference that entire Petition into comments as input related to GN Docket No. 25-133.

e) Very brief Petition summary

(1) **The Problem**: Part 97 contains a restrictive requirement that practically makes impossible the assignment of certain U.S. call signs. It is impractical and unreasonable to require licensee's to have a mailing address on certain uninhabited U.S. entities when conducting amateur radio operations.

(2) **Problem Resolution:** The Petition proposes amendments to Section 97.3 and Section 97.19 of the rules, authorizing assignment and issuance of amateur radio call signs without the requirement for a mailing address on various uninhabited entities, as is now the case. Additionally supporting this action, I propose a corresponding modification to the call sign structure by including the *Special remote area limited-use call sign* system in Part 97.

3) Please see my Docket No. 25-133 comments in the two Petitions.

Respectfully submitted,

By: *Danny G. Jamison*
(my facsimile signature)

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April 10, 2025